



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

TERRY

Serial No.: 10/645,046

Filed: August 21, 2003

Confirmation No.: 6537

Atty. File No.: 41942-05541

For: "CEPSTRAL DOMAIN PULSE
OXIMETRY"

) Group Art Unit: 3736

)

) Examiner: WINAKUR, Eric Frank

)

)

)

)

)

)

)

)

)

)

)

)

)

)

RESPONSE TO RESTRICTION
REQUIREMENT

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>July 19, 2005</u>.</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u></p>
--

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In an Office Action mailed April 20, 2005, the Examiner issued a Restriction Requirement with regard to the above-identified patent application. Generally, the Examiner contends that Claims 1-9 (Group I), Claims 10-17 (Group II), Claims 18-28 (Group III), and Claims 29-36 (Group IV) are distinct inventions.

Applicant hereby elects to prosecute Claims 1-9 (Group I) in this patent application. However, Applicant respectfully reserves the right to pursue Claims 10-17 (Group II), Claims 18-28 (Group III), and Claims 29-36 (Group IV) in one or more subsequent divisional/continuation applications.

Accompanying this paper is a petition for a 2-month extension of time under 37 C.F.R. 1.136 and a check in the amount of \$450.00 in payment of the associated extension fee thereby extending the time for a response from May 20, 2005 until July 20, 2005. Although Applicant believes that no additional fees are due for filing this paper, please charge any fees deemed necessary to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: Robert B. Berube
Robert B. Berube
Registration No. 39,608
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303) 338-0997

Date: July 19, 2005